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10/674,341	10/01/2003	Hidehiko Kameyama	8031-1029	3793

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2176	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/674,341	KAMEYAMA, HIDEHIKO	
	Examiner	Art Unit	
	Gregory A. DiStefano	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed on 6/27/2007.

2. As per the amendment, claims 1-4 and 6-18 have been amended. Claim 5 has been cancelled and claims 1-4 and 6-18 remain pending.

Specification

The disclosure is objected to because of the following informalities:

- on page 4, line 20 of the specification, it is recited as stating, "for controlling to display of the icon". The examiner believes this is intended to state, "for controlling **the** display of the icon".

- page 9, line 7 of the specification states, "Respective **ones** of these portions are mutually connected through buses 13". This statement is found to be unclear.

Appropriate correction is required.

Claim Objections

3. The previously recited formal objections to the claims set forth in the office action mailed on 3/20/2007 are hereby withdrawn due to the amendment filed on 6/27/2007.

Claim Rejections - 35 USC § 101

4. The rejections of the claims under 35 U.S.C. §101 are hereby withdrawn due to the amendment filed on 6/27/2007.

Claim Rejections - 35 USC § 112

5. The rejections of the claims under 35 U.S.C. §112 are hereby withdrawn due to the amendment filed on 6/27/2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6, 8-12 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lourette et al. (US 5,978,016), hereinafter Lourette, in view of Parulski et al. (US 5,633,678), hereinafter Parulski, further in view of Lecomte (European Patent Application publication number EP 0 975 132 A1).

6. (currently amended) As per claim 1, Lourette teaches the following:

a waiting screen within said display portion, the waiting screen having an image size corresponding to a waiting screen image, (column 6, lines 19-20), i.e. a color main screen display unit 36 is provided on the back of the main camera body 10, (column 12,

lines 14-22), i.e. the operator may choose to change either the image format or the image capture mode by operating the image format selector switch 30 and the image capture mode selector switch 23 accordingly. If the image format mode is changed, the main camera controller 68 controls the viewfinder 20 to select the appropriate mask that corresponds to the selected image format setting corresponding to the new image format. The examiner interprets this teaching of Lourette to encompass applicant's claim in that the main display unit 36 of Lourette is interpreted to be "a display portion" and the image shown within an appropriate mask that corresponds to the selected image format setting is interpreted to be a "waiting screen having an image size corresponding to a waiting screen";

a memory means for registering images picked-up by said camera, in a picture memorandum mode, as picture memorandum with a size (e.g. resolution*) of the picked-up images being a equal to the image size of the waiting screen image*, (column 12, lines 39-42), the resolution of a digital image subsequently stored or displayed, however, is varied based on the type of image capture mode selected, (column 12, lines 45-53), i.e. in the film image capture mode, where the digital image will only be utilized for display on the main screen display unit 36 to show the operator what was captured on film, a film mode image of a lower resolution is prepared by electronically cropping and interpolating the full resolution digital image to respectively correspond to the resolution of the main screen display unit 36 and to the aspect ratio of the photographic film images, and is stored in the base camera memory 126. The examiner finds that Lourette's teaching of generating a low resolution digital image in a film capture mode to

be a form of memorandum mode as the low resolution digital image, the size of which corresponds to the display screen, is generated to give the user a memorandum of what was captured on film;

another memory means for registering other images, taken in a non-picture memorandum mode, for an album as album images (e.g. digital image capture*) with a size of the album images being greater than the images size of the waiting screen image,* (column 12, lines 42-45), i.e. in the digital image capture mode, a full resolution digital mode image is stored without cropping in a memory card coupled to the interface connector 130. See Fig. 13A, for example. The examiner finds that as a film image is formed from cropping and interpolating a full resolution image and a digital image capture is full resolution without cropping, a digital image capture is therefore a larger size than a film image;

a selection means for selecting the picture memorandum mode, (column 6, lines 3-5), i.e. an image capture mode selector switch 23, a shutter button 24, a zoom control switch 25, a picture taking mode selector switch 26; and

However, Lourette does not explicitly recite a method of generating an icon associated with a picture memorandum mode and registering subsequently picked-up images to that icon. Parulski teaches the following:

a registration control means for, upon selection of the picture memorandum mode, automatically generating an icon (e.g. tag) *indicating that the picked-up images are registered upon initially recording said picked-up images in said memory means, displaying the icon on said display portion, and registering subsequently picked-up*

images in said memory means in association with said icon, (column 6, lines 54-63), i.e. with the tag icon 52a activated, the user will select categories A,B,C,D,E,NONE by pressing the toggle switch 54 (step 61). Each press of the switch 54 causes a different tag code to be displayed on the alphanumeric segment 52b. After the tag is selected, the user can activate other icons by use of the select button 56. Then, when the shutter button 21 is pressed, the selected category (tag) is associated with the digital image (steps 62, 63). The examiner interprets this teaching of Parulski to encompass applicant's claim in that upon a user choosing a category (e.g. A, B, C, etc.) all subsequent images captured are registered in association to that category tag.

One of ordinary skill in the art at the time the invention was made would have found it obvious to have modified the capturing of images in different modes of Lourette with the iconography of Parulski. Further explaining such modification, a user of the modified Lourette would be shown an icon associated with a current mode selected by the user. One skilled in the art would have been motivated to have made such modifications because Lourette already teaches displaying icons in association with a mode used when an image was captured in their showing of Fig. 11 #212 and described in column 16, lines 29-31), i.e. each camera function selectable by the camera operator has a corresponding individual icon in the icon group 200. Furthermore, a user may clearly understand the mode used when an image is to be captured by Lourette's showing of Fig. 3 #32 & 23 where the mode selectors are clearly labeled. One of ordinary skill would have found it beneficial to show an icon associated with a currently

selected mode because it would further reinforce the mode, which the user is currently using.

However, neither Lourette nor Parulski explicitly teaches a system of a "cellular telephone having a camera" as recited by claim 1. Lecomte teaches a system where a digital camera, such as the cameras taught by Lourette or Parulski, can be directly attached to a mobile phone by use of a connector means thus making it "a cellular telephone set having a camera". It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the electronic still camera of modified Lourette with the mobile phone connection means of Lecomte. One skilled in the art would have been motivated to make such a modification because, (Lecomte, abstract), the disadvantages of a fully integrated camera unit and mobile phone can be avoided and the advantages of such a combination can be kept by providing both with connector means for making a disconnectable connection and by using the mobile phone for at least partly controlling the camera unit.

7. Claim 8 recites the method of using the system of claim 1. Lourette describes their method of using their digital camera in column 11, line 58 through column 21, line 60. The remaining limitations to claim 8 are substantially similar to those of claim 1 and are rejected on the same basis thereof.

8. Claim 14 recites a computer storage medium containing the instructions operable to cause a cellular telephone to execute the method of claim 8. Lourette describes their

method being placed on a computer readable medium in column 9, lines 56 through column 10, line 19 where Lourette describes their different types of memory and the roles they play in the execution of their method. The remaining limitations to claim 14 are substantially similar to those of claim 1 and are rejected on the same basis thereof.

9. (currently amended) Regarding claims 2, 9 and 15, modified Lourette teaches the system of claims 1, 8, and 14 as described above.

Lourette also teaches *a icon display portion within said display portion and located apart from said waiting screen.* As Lourette teaches in their showing of Fig. 11, the waiting screen holding the captured image is shown as #202 and the "icon display portion" would be located to the right of the waiting screen, thus separate;

However Lourette does not explicitly teach a method of displaying an icon when a picture memorandum mode is selected. Parulski teaches the following:

display control means for, upon selection of the picture memorandum mode, controlling to display said icon on said icon display portion, (column 6, lines 54-60), i.e. with the tag icon 52a activated, the user will select categories A,B,C,D,E,NONE by pressing the toggle switch 54 (step 61). Each press of the switch 54 causes a different tag code to be displayed on the alphanumeric segment 52b.

Accordingly, under the modified system of Lourette, upon a user selecting the different modes using the selection switches of Lourette's showing of Fig. 3 #32 & 23, a corresponding icon would be displayed accordingly, such as in Parulski where a different icon is displayed in accordance with a user selecting a toggle button.

10. (currently amended) Regarding claims 3 and 10, modified Lourette teaches the system of claims 2 and 9 as described above.

Lourette also teaches *a read-out control means* (e.g. review of film mode images) *for reading out one of the picked-up images registered in said memory in response to selecting operation of said icon to display on said waiting screen image*, (column 15, lines 19-27), i.e. review of film mode images corresponding to images captured on film is accomplished by setting the main screen display unit operation switch 39 to the illustrated "F" or "FILM" setting. In response, the microcontroller 120 retrieves the digital film mode image stored in the film mode image storage section 127 of the base camera memory 126 corresponding to the last photographic film image taken and displays the image on the main screen display unit 36. The examiner would like to further note that as described in the rejection of claim 1, in the system of Lourette in view of Parulski, the "film" button of Lourette could be embodied as an icon such as the one in Parulski. Therefore the switch 39 of Lourette which allows the user to select which type of photographs are to be displayed may also be embodied as an icon with the same functionality. As the capture mode selector 23 of Lourette has corresponding option names to the display operation switch 39, it would be obvious that the "film image capture mode" and "FILM" would also be corresponding.

11. (currently amended) Regarding claims 4 and 11, modified Lourette teaches the system of claims 3 and 10 as described above.

Lourette also teaches *said read-out control means sequentially reads out other images registered in said memory to individually display each image on said waiting screen image according to cursor operation* (e.g. directional switches) *on said display portion*, (column 15, lines 27-31), i.e. the camera operator can then manually scroll through digital film mode images in forward and reverse directions by utilizing the right directional switch 48 of the main screen operator control unit 38 or the left directional switch 52.

12. (currently amended) Regarding claim 6, modified Lourette teaches the system of claim 1 as described above.

Lourette also teaches *said memory has a fixed capacity*, (abstract), i.e. the first digital image stored in at least one of the first storage memory or a fixed memory. The examiner would like to further note that it is well known to those skilled in the art at the time the invention was made that a "fixed memory" has a definite capacity where the amount of capacity has doesn't change. In example a 256mb storage drive can always hold up to 256mb.

13. (currently amended) Regarding claim 12, modified Lourette teaches the system of claim 9 as described above.

Lourette also teaches *the size* (e.g. resolution) *of said picked-up images registered in said memory is equal to the image size of waiting screen image so that the picked-up image may be later displayed in said waiting screen image without resizing*,

(column 12, lines 39-42), i.e. the resolution of a digital image subsequently stored or displayed, however, is varied based on the type of image capture mode selected, (column 12, lines 45-53), i.e. in the film image capture mode, where the digital image will only be utilized for display on the main screen display unit 36 to show the operator what was captured on film, a film mode image of a lower resolution is prepared by electronically cropping and interpolating the full resolution digital image to respectively correspond to the resolution of the main screen display unit 36 and to the aspect ratio of the photographic film images, and is stored in the base camera memory 126. .

14. currently amended) Regarding claim 16, modified Lourette teaches the system of claim 15 as described above. Lourette further teaches the following:

a read-out control (e.g. review of film mode images) *step of reading out one of images registered in said memory, without resizing said one image, in response to selecting operation of said icon to display on said waiting screen image*, (column 15, lines 19-27), i.e. review of film mode images corresponding to images captured on film is accomplished by setting the main screen display unit operation switch 39 to the illustrated "F" or "FILM" setting. In response, the microcontroller 120 retrieves the digital film mode image stored in the film mode image storage section 127 of the base camera memory 126 corresponding to the last photographic film image taken and displays the image on the main screen display unit 36.

15. (currently amended) Regarding claim 17, modified Lourette teaches the system of claim 16 as described above. Lourette further teaches the following:

in said read out control step, other images registered in said memory are sequentially read out without resizing said other images, to display on said waiting screen image according to cursor operation (e.g. directional switches) *on said display portion*, (column 15, lines 27-31), i.e. the camera operator can then manually scroll through digital film mode images in forward and reverse directions by utilizing the right directional switch 48 of the main screen operator control unit 38 or the left directional switch 52, (column 12, lines 45-52), i.e. in the film image capture mode, where the digital image will only be utilized for display on the main screen display unit 36 to show the operator what was captured on film, a film mode image of a lower resolution is prepared by electronically cropping and interpolating the full resolution digital image to respectively correspond to the resolution of the main screen display unit 36. The examiner finds that as the film mode images are created in a resolution corresponding to that of the screen display, that upon reviewing these images they will not need to be resized for display.

16. Claims 7, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over modified Lourette as applied to claims 1, 8 and 14 above, and further in view of Kuroiwa et al. (Japanese Patent number 09-331495 A), hereinafter Kuroiwa.

17. (currently amended) Regarding claims 7, 13 and 18, modified Lourette teaches the system of claims 1, 8 and 14 as described above. However none of Lourette, Parulski or Lecomte explicitly teaches the system of generating an alarm when a maximum image registration amount has been reached as recited in claim 3. Kuroiwa teaches the following:

a means for generating an alarm when a registration amount in said memory reaches a maximum registration amount of said memory, (title), i.e. information input device e.g. electronic camera equipped with LCD - has control unit that enables storage of information electrical signals in memory corresponding to memory capacity and displays a warning when memory capacity is exceeded.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the display means of Parulski with the memory capacity warning of Kuroiwa. One skilled in the art would have been motivated to make such modification as it would have been useful to a user to receive notification when a memory has reached it's capacity so that no more pictures may be taken or prevent possible data loss by overwriting of data if more pictures were allowed to be taken.

Response to Arguments

18. Applicant's arguments with respect to claim 1-4 and 5-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

-Moghadam et al. (US 5,682,197), electronic panoramic camera for use with an external processor.

-Anderson (US 5,903,309), method and system for displaying images and associated multimedia types in the interface of a digital camera.

-Miller et al. (US 6,233,015), camera with a user compliant browse and display modes.

-Lavelle et al. (US 6,362,851), digital camera with separate function and option icons and control switches.

-Toyofuku et al. (US 6,377,294), electronic photographing device.

-Rabbani et al. (US 6,885,395), selectively adjusting the resolution levels or the quality levels of digital images stored in a digital camera memory.

* -Pine (US 7,068,316), selectable resolution image capture system.

-May et al. (US 2003/0095193), producing panoramic digital images by digital camera systems.

-Kawamoto et al. (US 2005/0083351), image display apparatus, image display controlling method, and image display program.

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. DiStefano whose telephone number is (571)270-1644. The examiner can normally be reached on 7:30am-5:00pm Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571)272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GAD
8/29/2007

/Doug Hutton/
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